IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.230 OF 2006
IN
APPEAL FROM ORDER NO.24 OF 2006

Prabhudas D.Shah. ..Applicant.

V/s.

Indulal D.Shah & Ors. ..Respondents.

Mr.V.S.Kapse for applicant.

Mr.A.K.Abhayankar for Ashok Varma for Respondent No.1.

Mr.P.S.Dani for respondent No.2

Mr.Dipen Merchant,Sr.Counsel with Duryani Shah i/b. Mayur Narendra & Co.

Mr.Pesi Modi i/b P.M.Shah for Respondent Nos.3 to 7.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 31, 2006.

P.C. :

1. Heard.

2. In view of the allegations made in this application, the applicant who is personally present in the court was called upon to consider whether he would like to press this application as filed. This is so because of the stand taken by the advocate on record who had appeared for the applicant before this court on affidavit. If that stand was to be accepted, the assertion made in this application will

be falsified, which will be a serious matter.

3. Counsel for the applicant on instruction of the applicant, who is present in the court would then submit that in that case, the applicant would withdraw this application unconditionally. The applicant has been appraised by his advocate as to the contents of this order. The applicant, who is personally present in the court accepts the fact that he intends to withdraw this application unconditionally. In the circumstances, this application is dismissed as withdrawn.

. However, it is made clear that it will be open to the applicant to apply to appropriate authority for issuance of separate meter or for providing sub-meter from the main meter so that no controversy arises about actual consumption of the electricity by the respective parties in future.

4. The applicant undertakes to pay the outstanding bills by contributing 50% thereof. That payment will be made within two weeks from today. That assurance given by the applicant himself in the court is accepted.

5. Show cause notices issued to the advocates in terms of order passed by this court are discharged.